

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT O. GILMORE, et al.,

No. C 66-45878 SI

Plaintiffs,

**ORDER RE: MOTION OF CHARLES T.  
DAVIS TO SET-ASIDE CLASS  
COUNSEL'S FINDINGS**

v.

STATE OF CALIFORNIA, et al.,

Defendants.

On March 15, 2007, class member Charles T. Davis filed a pro se motion for order to show cause for civil and criminal contempt. Davis' motion alleged that defendants violated the 1972 Order Directing Adoption of Regulation to Implement Previous Order Granting Relief, in the *Gilmore* case. The Court invited responses from counsel for the parties. Counsel for the class investigated Davis' allegations and determined that no further action from the Court was necessary; defendants concurred. Accordingly, on April 23, 2007, the Court issued an order denying Davis' motion. The order also directed that all future *Gilmore*-related grievances and motions put forth by pro se inmates be resolved informally between class counsel and defense counsel, without Court intervention, unless counsel reach an unresolvable conflict. The day this order issued, the Court received from Davis a motion to set aside the findings of class counsel. On April 25, 2007, Davis also filed a motion for extension of time in which to file an opposition to counsel's submissions.

In light of the April 23, 2007 order, Davis' most recent motions are moot, and are hereby DENIED as such. Counsel for the class has determined that Davis' grievances are not covered by the *Gilmore* settlement, and the Court agrees. If Davis feels he has been retaliated against for exercising or attempting to exercise protected rights, or has otherwise suffered a legally-cognizable injury related

1 to access to legal materials, he is free to bring a separate action so alleging, provided he exhausts any  
2 available administrative remedies. However, the grievances he has currently raised are not covered by  
3 the *Gilmore* settlement, and therefore cannot be addressed by this Court in the *Gilmore* action.

4 As discussed above, the Court DENIES Davis' motion to set aside class counsel's findings  
5 [Docket No. 212], and DENIES Davis' motion for enlargement of time [Docket No. 213].

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7 **IT IS SO ORDERED.**

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9 Dated: May 24, 2007

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11 SUSAN ILLSTON  
12 United States District Judge  
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